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3 DEPARTMENT OF CONSERVATION AND
4 NATURAL RESOURCES
5 ADVISORY BOARD
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10 JULY 28, 2004
11 1:00 p.m.
12 FOLSOM ADMINISTRATION BUILDING
13 ROOM 319
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1 APPEARANCES

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3 DCNR ADVISORY BOARD MEMBERSHIP:

4	Dan L. Moultrie - Chairman	Present
5	Dr. Gaines Smith	Present
6	Ross M. Self	Present
7	M. Barnett Lawley	Present
8	Louis W. Coles	Present
9	Dr. A. Wayne May	Present
10	James W. Porter, II	Present
11	Bill Hatley	Present
12	Johnny M. Johnson	Present
13	Marvin Willis	Present
14	George Harbin	Present

15

16 STAFF MEMBERS:

17	Robin Nummy
18	Gary Moody
19	M. N. Pugh
20	Otis J. Goodwyn

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1 PROCEEDINGS

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3 CHAIRMAN MOULTRIE: July 28,

4 2004, meeting of the

5 Conservation Advisory Board

6 will come to order. The

7 invocation will be given by

8 Mr. Johnny Johnson.

9 MR. PORTER: Mr. Chairman, I've

10 got a point of order. But,

11 if I could, just a question.

12 We were sent an agenda, and I

13 would like to make a motion

14 to amend the agenda that's

15 been distributed.

16 MR. HATLEY: Before the

17 invocation?

18 MR. PORTER: Well --

19 CHAIRMAN MOULTRIE: Before the

20 invocation?

21 MR. PORTER: The first thing, as

22 I understand, we've got --

23 you've got an agenda and --

1 CHAIRMAN MOULTRIE: Let's wait
2 until after the --
3 Mr. Porter, let's wait until
4 after the invocation.
5 MR. PORTER: Okay.
6 CHAIRMAN MOULTRIE: Mr. Johnson,
7 go ahead with the
8 invocation.
9 MR. JOHNSON: Let us pray.
10 (Prayer.)
11 CHAIRMAN MOULTRIE: The -- for
12 the next order of
13 business -- Mr. Porter, I
14 will come back to you in just
15 a minute on what we talked
16 about. For the next order of
17 business I would like to call
18 on Commissioner Barnett
19 Lawley to introduce the
20 members of the Board.
21 Commissioner.
22 MR. LAWLEY: I think everybody's
23 got their nametags. Are they

1 in the right place?

2 Everybody knows the members

3 of the Commission by now.

4 But I would -- I'll just have

5 each commissioner -- George,

6 start with you. If you'll

7 just introduce yourself and

8 come down the line.

9 MR. HARBIN: I'm George Harbin,

10 H-A-R-B-I-N.

11 MR. LAWLEY: If you would, say

12 what district you represent.

13 MR. HARBIN: District 2, I

14 believe. I'm sorry, but I'm

15 confused on it.

16 MR. LAWLEY: Okay.

17 MR. HARBIN: 4.

18 MR. COLES: Louis Coles, District

19 2.

20 MR. JOHNSON: Johnny Johnson,

21 District 7.

22 MR. PORTER: Jim Porter, District

23 6.

1 MR. HATLEY: Are you sure?

2 MR. PORTER: I'm positive.

3 MR. HATLEY: Bill Hatley,

4 District 1.

5 MR. SELF: Ross Self, District 1.

6 CHAIRMAN MOULTRIE: Dan Moultrie,

7 District 6.

8 DR. SMITH: Gaines Smith, ex

9 officio, statewide.

10 MR. WILLIS: Marvin Willis,

11 District 5.

12 DR. MAY: Wayne May, District 7.

13 CHAIRMAN MOULTRIE: Thank you,

14 Commissioner Lawley.

15 Mr. Porter, what was your

16 point?

17 MR. PORTER: My motion -- I've

18 got a motion to amend the

19 agenda. And I would like --

20 my motion would be to amend

21 the agenda by putting in a

22 section for public comment

23 would be the next order of

1 business prior to taking up
2 the issue of the turkey
3 decoys.

4 And the reason is that
5 this matter, as I understand,
6 this special meeting was
7 called because of the concern
8 about the public not having
9 an opportunity for input or
10 those concerns have been
11 raised. You have a number of
12 people here that have
13 expressed a good bit of
14 interest in this issue.
15 They've come a long way, and
16 I think it would be
17 appropriate to give each and
18 every person here that would
19 like to speak on this matter
20 an opportunity to speak.

21 So my motion is to amend
22 the agenda by providing
23 another agenda item, which

1 would be the next item that
2 would deal with public
3 comments on this decoy
4 issue. And that's my
5 motion.

6 CHAIRMAN MOULTRIE: Is there a
7 second?

8 MR. SELF: I'll second.

9 CHAIRMAN MOULTRIE: I need that
10 motion written, Mr. Porter.

11 MR. PORTER: All right.

12 (Off-the-record discussion.)

13 CHAIRMAN MOULTRIE: Mr. Porter,
14 the Commissioner makes a good
15 point that the meeting was
16 advertised that it would be
17 no public comment and that
18 one faction may be
19 represented over the other;
20 but irregardless to that, he
21 said if they're here, you
22 know, let's possibly look at
23 doing that. But I think

1 that's a good point to bear
2 in mind.

3 MR. PORTER: My point is that
4 these folks have come a long
5 way. And whatever side
6 they're on. I don't know.
7 And I have --

8 CHAIRMAN MOULTRIE: I believe the
9 issue of the meeting today,
10 Mr. Porter, was that the --
11 their not having a voice and
12 the other one is the issue to
13 clear the air of my vote.
14 And I have a comment to make
15 on that, more so than not
16 having the chance to talk.
17 But there was a public
18 session at the last meeting.
19 Mr. Coles?

20 MR. COLES: Mr. Chairman, I
21 believe there is a period of
22 public comment that the
23 public is able to comment

1 prior to the legislative
2 review counsel addressing any
3 issues that -- that may come
4 before them. I believe that
5 period is over with on August
6 the 5th, so the public is
7 eligible to comment at any
8 time, either orally or by
9 written communications or by
10 email.

11 CHAIRMAN MOULTRIE: Let me read
12 this. We've got a motion and
13 it's been seconded. The
14 motion is to amend the six
15 weeks -- to amend the
16 agenda -- Jim, your writing
17 is awful. Read that to me.

18 MR. PORTER: To amend the agenda
19 by adding the item for public
20 comments on the issue.

21 CHAIRMAN MOULTRIE: Is there any
22 discussion?

23 MR. PORTER: Well, if I could

1 speak to it again. You have
2 people here, obviously, who
3 have come a long way that are
4 interested in this issue.
5 It's gathered a great deal of
6 public comment and to clean
7 the air, so to speak, my
8 request is that we allow the
9 people that are here today to
10 speak on this issue if
11 they're so inclined.

12 CHAIRMAN MOULTRIE: Any other
13 discussion?

14 (No response.)

15 CHAIRMAN MOULTRIE: No other
16 discussion. The motion is to
17 amend the agenda by adding
18 the item for public comment
19 on the issue. All those in
20 favor?

21 MS. NUMMY: Keep your hands up,
22 please, for a moment.

23 CHAIRMAN MOULTRIE: All opposed?

1 MS. NUMMY: Keep your hands up
2 for a moment, please.
3 CHAIRMAN MOULTRIE: Motion
4 fails.
5 MS. NUMMY: All right. Did you
6 get that, Court Reporter?
7 COURT REPORTER: Yes.
8 CHAIRMAN MOULTRIE: The next
9 order of business is the
10 turkey decoy issue.
11 COURT REPORTER: I'm sorry, Dan.
12 Did you want me to indicate
13 who opposed and who --
14 MS. NUMMY: Yes.
15 COURT REPORTER: I did not do
16 that.
17 MS. NUMMY: Okay.
18 COURT REPORTER: I'm sorry.
19 CHAIRMAN MOULTRIE: Okay. Can I
20 have a show again of the vote
21 the way it was? And I will
22 state it. Mr. Self,
23 Mr. Hatley, Mr. Porter,

1 Mr. Smith.

2 FOR: Ross Self, Bill Hatley,

3 James Porter, Gaines Smith.

4 CHAIRMAN MOULTRIE: Against?

5 MS. NUMMY: Go ahead and raise

6 your hands again, please.

7 There were five. George

8 Harbin, Louis Coles, Johnny

9 Johnson --

10 COURT REPORTER: I've got it.

11 Sorry. Thank you.

12 AGAINST: Marvin Willis, Wayne

13 May, Louis Coles, Johnny

14 Johnson, George Harbin.

15 MS. NUMMY: She hasn't been with

16 us before. Sorry about that.

17 CHAIRMAN MOULTRIE: Again, on the

18 turkey decoy issue, as you

19 all are aware, opponents of

20 the turkey decoys have raised

21 questions regarding my vote

22 on that matter at our last

23 meeting. I voted only

1 because it became necessary
2 to break the existing tie. I
3 have since met with Jim
4 Sumner, director of the State
5 Ethics Commission, and Hugh
6 Evans, attorney for the
7 Commission, and feel
8 comfortable that I have taken
9 the appropriate corrective
10 action.

11 Nevertheless, since the
12 question's been raised and to
13 remove any question of
14 impropriety by myself, I have
15 called this meeting to allow
16 the Board the opportunity to
17 vote again on the use of
18 turkey decoys without my
19 vote. I have also called the
20 meeting to allow
21 reconsideration of this issue
22 only, so our discussion
23 should only be limited to the

1 use of turkey decoys. We
2 will not be receiving public
3 comments today on this
4 issue. There will be an
5 opportunity for public
6 comment during the
7 administrative regulation
8 process should the
9 Commissioner choose to follow
10 any affirmative
11 recommendation of the
12 Advisory Board made today.

13 MR. PORTER: Mr. Chairman, I've
14 got a question. Is the --
15 are you saying that the
16 motion is to reconsider?
17 Because if it's a motion to
18 reconsider, it's out of
19 order. Because that -- you
20 can't have a motion to
21 reconsider a vote on a motion
22 at the next meeting. The
23 motion to reconsider is only

1 appropriate in the meeting
2 where the vote was taken.
3 And we've adjourned, and
4 we're at a separate meeting.

5 CHAIRMAN MOULTRIE: On this
6 point, because of -- and I
7 want to make sure not to have
8 any interaction into the
9 turkey decoy issue. I want
10 to defer all comments upon
11 this procedure to
12 Mr. Goodwyn.

13 MR. GOODWYN: My understanding,
14 is not a reconsideration of
15 that motion but to bring that
16 issue up again.

17 MR. PORTER: So it's an item of
18 new business?

19 MR. GOODWYN: Right.

20 CHAIRMAN MOULTRIE: There's not a
21 motion that's been made yet.

22 DR. SMITH: Mr. Chairman, could I
23 ask a question? Has there

1 been a formal challenge of
2 that vote given from any --
3 anybody to any official body
4 in any way?

5 CHAIRMAN MOULTRIE: I don't --
6 what would you call a formal
7 challenge?

8 DR. SMITH: A formal complaint
9 filed with the Ethics
10 Commission or any other --
11 with this body even. Has
12 there been a formal complaint
13 registered as such?

14 CHAIRMAN MOULTRIE: Not to my
15 knowledge. Commissioner, do
16 you know?

17 MR. LAWLEY: No.

18 CHAIRMAN MOULTRIE: Mr. Goodwyn?

19 MR. GOODWYN: I don't know of
20 any.

21 CHAIRMAN MOULTRIE: Okay.

22 DR. SMITH: Okay.

23 CHAIRMAN MOULTRIE: Any other

1 discussion?

2 MR. PORTER: And just another
3 question: Is it my
4 understanding that -- I
5 believe you've indicated
6 you're going to abstain and
7 not be involved in the
8 discussion. Do you intend to
9 give up the chair to deal
10 with any of the those issues
11 and let someone else chair?

12 CHAIRMAN MOULTRIE: And again,
13 I'll defer to the attorney.
14 Mr. Goodwyn?

15 MR. GOODWYN: Well, I mean, it's
16 up to the chairman. I don't
17 think that ethics would, I'd
18 say, require that, but it's
19 up to you to decide whether
20 you -- you do it, yes or no,
21 either way you choose.

22 CHAIRMAN MOULTRIE: Okay.

23 (Off-the-record discussion.)

1 MR. LAWLEY: You can. That's
2 fine. But you're not voting;
3 you're not getting in the
4 discussion, which the chair
5 doesn't do anyway.

6 CHAIRMAN MOULTRIE: Are you
7 comfortable with that?

8 MR. GOODWYN: Yes, sir.

9 CHAIRMAN MOULTRIE: Very good.
10 Then I'll retain the chair.

11 MR. SELF: Mr. Chairman, I'd like
12 to make a suggestion. This
13 is not in the form of a
14 motion, but just a suggestion
15 that due to the controversy
16 of the all of the major
17 changes that were brought up
18 and voted on at our last
19 meeting, that in the future,
20 barring exceptions, that we
21 bring these issues up in one
22 meeting and then give the --
23 give each Board member an

1 opportunity to go back home,
2 discuss with the public, and
3 take public input and then
4 vote on a particular issue at
5 the next meeting in the
6 future. That's just a
7 suggestion.

8 MR. LAWLEY: That's already in
9 the works, Ross. It may be
10 taken a step further than
11 that.

12 MR. PORTER: Can I ask Otis a
13 question about that,
14 Mr. Chairman, please, sir?

15 CHAIRMAN MOULTRIE: Please do.

16 MR. PORTER: Since there is an
17 item of new business, did --
18 and I don't know what our
19 formal rules of procedure
20 are -- is it something that
21 you would have to suspend the
22 rules to take into
23 consideration and act on

1 since this is a brand new
2 motion to go ahead and vote
3 on it?

4 MR. GOODWYN: I don't know that
5 there is a motion yet. He
6 called the meeting -- as I
7 understand it, he called the
8 meeting for that limited
9 purpose.

10 MR. PORTER: Right.

11 MR. GOODWYN: Assuming there
12 could be a motion made or not
13 made. But then it's up to
14 the Board what action they
15 take.

16 MR. PORTER: Right. But is it
17 something that you would have
18 to suspend the rules,
19 whatever rules you have, to
20 take --

21 MR. GOODWYN: No.

22 MR. PORTER: -- to vote on it
23 when it's first brought up as

1 knew business?

2 MR. GOODWYN: No, no.

3 MR. PORTER: Okay. Thank you.

4 CHAIRMAN MOULTRIE: Yes, sir,

5 Mr. Wilson.

6 MR. WILSON: Was Mr. Self

7 speaking of everything that

8 was voted on in May or is he

9 just speaking about the

10 turkey.

11 CHAIRMAN MOULTRIE: Mr. Self?

12 MR. SELF: No. Just everything.

13 I'm speaking of -- you know,

14 we had the crossbow issue and

15 turkey decoy, and just any

16 time there is a major what I

17 would consider -- or I think

18 we all consider these major

19 changes. But any time

20 there's going to be a major

21 change, we should know that

22 it's going to be voted on at

23 the next meeting and not at

1 the current meeting.

2 MR. WILLIS: Well, I thought
3 that's what the meeting in
4 March was about, because two
5 years ago -- a year ago
6 before March, the crossbow
7 thing was brought up and
8 voted in -- Mr. Harbin over
9 there -- we voted in then we
10 voted out over there. Not
11 this year, but last year.

12 MR. SELF: That's correct.

13 MR. WILLIS: And then they had
14 plenty of time to discuss it.
15 And if I'm not mistaken, go
16 back and check, the turkey
17 thing was brought up, too.
18 It was. I think it was.

19 CHAIRMAN MOULTRIE: Any other
20 discussion?

21 DR. MAY: I'd like to make a
22 motion.

23 CHAIRMAN MOULTRIE: Dr. May.

1 DR. MAY: I move that the
2 Conservation Advisory Board
3 affirms the vote for the
4 Board on turkey decoys taken
5 at the May 2004 meeting as
6 accepted by the Commission,
7 and that the Board recommend
8 and approve the adoption by
9 the Conservation Department
10 of the proposed rules 2004-
11 WFF-10 and 2004-WFF-12 which
12 are in accordance with the
13 motion I made on turkey
14 decoys at the May 2004
15 Advisory Board meeting.

16 In essence, these rules
17 that I mentioned would allow
18 the use of stationary silent
19 turkey decoys for hunting
20 turkey during the spring
21 turkey season.

22 CHAIRMAN MOULTRIE: A motion has
23 been made. Is there a

1 second?

2 MR. JOHNSON: Mr. Chairman, I

3 second.

4 MS. NUMMY: Okay. You've got

5 that second, Court Reporter?

6 COURT REPORTER: Yes, ma'am.

7 CHAIRMAN MOULTRIE: Johnny

8 Johnson.

9 MR. PORTER: And I've got a

10 point, if I could, on that.

11 CHAIRMAN MOULTRIE: Yes, sir.

12 MR. PORTER: And it may be --

13 CHAIRMAN MOULTRIE: It's deferred

14 to Mr. Goodwyn?

15 MR. PORTER: Yeah. Is it

16 appropriate -- I understand

17 his motion, but is it

18 appropriate to -- for the

19 motion to say we affirm a

20 vote that we took -- isn't

21 that out of order? I mean,

22 the motion he makes is a new

23 motion to adopt --

1 MR. GOODWYN: Well, I --

2 MR. PORTER: -- those rules and
3 regulations.

4 MR. GOODWYN: From the context of
5 the whole thing, it sounds to
6 me like what he's doing.

7 MR. PORTER: Right. But I think
8 it's out of order to say we
9 affirm a vote that was taken
10 before. I think if you take
11 that out of the motion, the
12 motion is fine to accomplish
13 what he wants to accomplish.

14 MR. GOODWYN: I think it does the
15 way it's written. Because
16 he's saying -- he's
17 explaining what regulation
18 he's referring to, I assume.

19 MR. PORTER: Right. My only
20 point is the first part where
21 he says the motion is to
22 affirm the vote and then to
23 do this and to -- I don't

1 have a problem with adopting
2 what he wants to accomplish,
3 but to affirm the vote that
4 was taken at another meeting,
5 I think it's out of order. I
6 don't know if there -- I
7 don't know of such a -- such
8 a vehicle to appoint -- to
9 affirm -- a motion to affirm
10 a vote that happened at our
11 last meeting.

12 MR. GOODWYN: Well, I mean, I
13 think the Board has done that
14 in the past.

15 CHAIRMAN MOULTRIE: Dr. May,
16 could I have the motion,
17 please, sir, to read it?

18 MR. GOODWYN: If I -- could I ask
19 a question about it and make
20 sure I heard right? Because
21 I'm trying to --

22 CHAIRMAN MOULTRIE: Yes, sir.

23 MR. GOODWYN: Is it during the

1 spring turkey season or
2 during all turkey seasons?

3 DR. MAY: Spring turkey season.

4 MR. GOODWYN: Just spring?

5 DR. MAY: Yes, sir.

6 CHAIRMAN MOULTRIE: The motion
7 is, (as read): I move that
8 the Conservation Advisory
9 Board affirm the vote of the
10 Board on the turkey decoys
11 taken at the May 2004 meeting
12 as accepted by the
13 Commissioner and that the
14 Board recommend and approve
15 the adoption by the
16 Conservation Department of
17 the proposed rules 2004-WFF-
18 10 and 2004-WFF-12 which are
19 in accordance with the motion
20 I made on turkey decoys --
21 "I" being Dr. May -- turkey
22 decoys at the May 2004
23 Advisory Board meeting.

1 These rules would allow the
2 use of stationary silent
3 turkey decoys for hunting
4 during the spring turkey
5 season.

6 Dr. May, do you have any
7 discussion on the issue?

8 DR. MAY: All I'd like to say is
9 I don't see denying the
10 people that want to use
11 turkey decoys the privilege
12 of doing it. There's a lot
13 of young people, a lot of
14 kids, older people that have
15 never had the opportunity.
16 I've had the opportunity
17 since I was a kid, and I
18 don't see depriving them of
19 this opportunity, especially
20 when there's nothing
21 biologically wrong with it.
22 I haven't yet to hear anyone
23 tell me something's

1 biologically wrong with it.

2 Now, if you want to find
3 something, you can start
4 talking to these guys that's
5 killing 15, 20 gobblers every
6 spring. They're the one's
7 that's biologically hurting
8 our turkey population. It's
9 not these young people that
10 may use these decoys. And if
11 they do use the decoys, once
12 they become competent in what
13 they're doing, they're gonna
14 throw those down and go after
15 the first turkey they hear
16 gobbling. So I just think
17 it's wrong to not let them
18 use a turkey decoy.

19 CHAIRMAN MOULTRIE: Any other
20 discussion?

21 MR. SELF: Yes. I would just
22 like --

23 CHAIRMAN MOULTRIE: Mr. Self, I

1 remind you, the Chair has to
2 recognize you first. There's
3 other people wanting to talk
4 also.

5 MR. SELF: Okay. All right.

6 CHAIRMAN MOULTRIE: Any other
7 discussion?

8 (No response.)

9 CHAIRMAN MOULTRIE: Mr. Self,
10 now.

11 MR. SELF: I just wanted to make
12 a comment about Dr. May's
13 comment about the people that
14 are killing 15 turkeys now.
15 With the turkey decoys,
16 they'll be killing 25.

17 CHAIRMAN MOULTRIE: Mr. Porter.

18 MR. PORTER: Mr. Chairman, with
19 your permission, could I ask
20 Mr. Pugh to give us input
21 from the Department on this
22 issue and how they -- how
23 they stand on it?

1 CHAIRMAN MOULTRIE: I don't see
2 anything wrong with that.

3 MR. PORTER: Corky, you want to
4 address that, please?

5 MR. PUGH: Yes, sir. Back in the
6 early '70s a decision was
7 made by the Conservation
8 Advisory Board based on
9 recommendations by the Game
10 and Fishing Division to take
11 the riffle off the turkey.
12 And at that point in time,
13 the decision was also made --
14 and Dr. Cardinal was on the
15 Board and maybe Chair of the
16 Board then -- I don't know --
17 to prohibit turkey decoys.
18 And those two prohibitions
19 have served us well. This
20 state has a turkey population
21 of over 400,000 birds. Our
22 annual harvest is over 62,000
23 turkeys.

1 MR. COLES: Excuse me. Let me
2 ask you, how do you -- how
3 can you determine there's
4 400,000 birds? When is the
5 last official count,
6 Mr. Moody?

7 MR. MOODY: The population
8 estimate is based on input
9 from our field biologists and
10 just getting them to give us
11 their best estimate.
12 Obviously, we don't count
13 every bird out there, which
14 would be impossible. And to
15 get the harvest estimate is
16 done by statistics out of the
17 survey that's conducted
18 annually and has been
19 conducted since 1963 using
20 the same methodology.

21 MR. PUGH: But the point is we've
22 got a turkey population
23 that's the envy of the

1 nation. And with the kind of
2 annual harvest that we have,
3 62,000-plus birds, without
4 decoys being legal, our
5 concern is that as we
6 continue to afford more and
7 more advantages to the turkey
8 hunter, that in the future it
9 would become necessary to
10 reduce the season length or
11 cut lines short.

12 If you think of the
13 advances that have been made
14 over the past two decades --
15 from calls, camo, shotguns,
16 bloats, blinds, just in the
17 past two decades -- and
18 extend that into the future,
19 that's our concern. And we
20 believe that we have a
21 responsibility to manage
22 based not on what's popular
23 today, but what's in the best

1 long-term interest of the
2 natural resources of those
3 who enjoy it. And it's a
4 balancing act. It's an
5 awesome reasonability that
6 this Board has to balance
7 what may be popular now
8 versus what's in the
9 long-term best interest of
10 the resource.

11 MR. COLES: Can you tell me what
12 the population was two
13 decades ago, being 20 years
14 ago?

15 MR. MOODY: Louis, it's from
16 memory and I -- I'm going to
17 have to do this from memory,
18 and I may have to go back and
19 pull some figures and get
20 back with you in a minute,
21 but it's gonna be somewhere
22 between 300 and 350,000.

23 MR. COLES: And how many now?

1 MR. MOODY: 400 to 450,000.

2 MR. COLES: I wished I had better
3 -- better words than that. I
4 just -- in the last 20 years
5 the turkey population in
6 Alabama has probably doubled,
7 I would say. And most turkey
8 hunters will tell you the
9 same thing. The National
10 Wild Turkey Federation will
11 tell you that.

12 CHAIRMAN MOULTRIE: Please limit
13 your comments, please, sir.
14 Go ahead, Mr. Porter.

15 MR. PORTER: Do I still have the
16 floor?

17 CHAIRMAN MOULTRIE: Yes, sir.

18 MR. PORTER: Corky, let me ask
19 you something. Has your
20 department done any study at
21 all of what the effect of
22 allowing decoys in this state
23 would have on our turkey

1 population?

2 MR. PUGH: No, sir. I don't know
3 that there's a way to do that
4 except to look at other
5 states' experience. And
6 right now, there is no
7 biological basis for not
8 having decoys. I wouldn't
9 stand here and tell you that
10 there was.

11 But the point that I'm
12 making is that I believe we
13 all have a responsibility to
14 look beyond today. That's
15 what conservation is all
16 about; providing for the
17 generations to come.

18 MR. PORTER: Would you agree --
19 do you know Haven Barnhill,
20 Wild Turkey Pro-coordinator
21 for the State of Georgia
22 Department of Natural
23 Resources and Wildlife

1 Resources Division?

2 MR. PUGH: I don't know him
3 personally.

4 MR. PORTER: Well, he wrote me a
5 letter. And my question is:
6 Would you agree with him that
7 legalizing decoys in Alabama
8 where you already have many
9 hundreds of liberal
10 opportunities might have a
11 significant impact on the
12 resource?

13 MR. PUGH: Without a doubt.

14 MR. PORTER: Okay.

15 MR. WILLIS: Mr. Chairman --

16 MR. PORTER: Mr. Chairman, if
17 I -- I'm sorry. If I might,
18 it boils down to me, real
19 simply, turkey hunting -- the
20 essence of turkey hunting is
21 the essence of fair chase in
22 our state. And I think it's
23 -- I think the argument

1 shouldn't be that -- that --
2 that we're doing something
3 different than the other 49
4 states. I think the argument
5 is that the other 49 states
6 are not doing it the right
7 way.

8 I think the comments and
9 the discussions that I've
10 heard, people are centering
11 on the harvest of the turkey,
12 and that's not my concern.
13 My concern is a sense of fair
14 chase and is the experience.
15 And when you start
16 bushwhacking turkeys with
17 these decoys, you change the
18 entire experience of turkey
19 hunting and the essence of
20 turkey hunting. And that's
21 my concern. I think we do it
22 right. Your numbers of
23 turkey hunters are going up;

1 it's popular and more
2 popular. It's a growing
3 sport, and your resource is
4 growing. So, obviously,
5 we're doing something right
6 and doing it the right way.

7 And I know personally
8 there are a number of folks
9 that come to our state to
10 hunt turkeys from other
11 states because we do it the
12 right way. And the
13 experience is what it's
14 about. And I think we
15 shouldn't focus on the
16 harvest; we should focus on
17 the ethics and the experience
18 of what we're doing here.

19 CHAIRMAN MOULTRIE: Thank you,
20 Mr. Porter. Mr. Willis?

21 MR. WILLIS: I would like to ask
22 a question to the gentleman
23 that made the comment of

1 killing 15 turkeys, whoever
2 said that. How many --
3 estimate how many people in
4 the state of Alabama would
5 kill 15 turkeys, and then
6 estimate to me or give me
7 some kind of figure that --
8 why would he -- if he's
9 killing 15 turkeys, why would
10 he want to benefit himself
11 with a decoy if he can do it
12 without it? Because that
13 don't -- the way it looks to
14 me, he don't need to use that
15 decoy. It's his choice.
16 Freedom of choice, to me.
17 That's my point.

18 CHAIRMAN MOULTRIE: Mr. Johnson?

19 MR. JOHNSON: I just want to
20 comment that, you know, the
21 decoy is a freedom of choice
22 as he referred to, you know,
23 that this is -- we're not

1 required to go out there and
2 use a decoy.

3 I've probably turkey
4 hunted myself better than 48
5 years, and I was fortunate
6 enough to be the National
7 Conservation Educator of the
8 year, which was work related
9 back to some turkey -- turkey
10 hunting at that time. And
11 so, you know, it's not a
12 matter of whether we're
13 required to use it or not;
14 it's a choice.

15 CHAIRMAN MOULTRIE: Mr. Hatley?

16 MR. HATLEY: Mr. Chairman, if
17 you'll bear with me a
18 second. I've got some
19 problems. One being that I
20 didn't quite understand why
21 we were here today. And
22 thanks to Jim and to you,
23 some of that has been cleared

1 for me.

2 I didn't want anything
3 to happen that would
4 deteriorate or do anything
5 about the credibility of this
6 Board, about the integrity of
7 this Board. And I've seen
8 that happen in the paper, in
9 the press, and with
10 individuals. And it's not
11 good for any member of this
12 Board. We wouldn't be
13 sitting here today, guys, if
14 we didn't all have
15 credibility, if the
16 government didn't have faith
17 in us, and if we didn't have
18 integrity. We voted at the
19 last Board meeting to have
20 turkey decoys in this state.

21 The Chairman of the
22 Board, whether it be this
23 Board or any Board, has the

1 right, the obligation to
2 break a tie. And when a
3 Chairman exercises that
4 right, one half of us is
5 going to be upset, the other
6 half is going to be pleased.

7 I happen to be on the
8 side that lost. I didn't
9 agree with the way the
10 Chairman voted on that issue,
11 but I did not disagree with
12 the fact that he voted. And
13 for somebody to call him
14 unethical or to call Jim
15 unethical because he voted
16 one way, Dan voted another,
17 it's awful upsetting to me.
18 This has been twice, guys.
19 And I'm talking to everybody,
20 I guess, or preaching. I
21 don't know which. But in one
22 year's time, this is the
23 second time in that one-year

1 period that the Ethics
2 Commission has gotten
3 involved in the actions of
4 this Board.

5 One -- one member of
6 this Board had a complaint
7 filed against him; went to
8 the Ethics Commission. Why
9 was he -- why was that
10 complaint there? Because of
11 the position and stance that
12 he took on this Board; the
13 vote that he cast. He was
14 reported by an individual who
15 disagreed with that position,
16 and, you know, that is not
17 right, people.

18 When we sit here and do
19 what we feel is in the best
20 interest of the sportsman and
21 conservation that we
22 represent, it's not right for
23 us to be chastised for doing

1 what we're convinced is
2 right. And it's a reflection
3 not only on Dan Moultrie as
4 Chairman, but it's a
5 reflection on Dan Moultrie as
6 a member of this Board, it's
7 a reflection on Ross Self, on
8 Billy Hatley, and the rest of
9 them. And it is just not
10 right because we are all here
11 for the same purpose and same
12 reasons, and that is to
13 protect the game and fish of
14 this state.

15 And in light of that,
16 Mr. Chairman, I call for a
17 vote on this question. If
18 we're going to vote on it
19 today, I call for a vote.

20 CHAIRMAN MOULTRIE: Is there a
21 second?

22 MR. COLES: Second.

23 CHAIRMAN MOULTRIE: There's been

1 a motion and a second to call
2 for the question and end
3 discussion. All those in
4 favor?

5 MR. JOHNSON: What is --

6 CHAIRMAN MOULTRIE: Calling for
7 the question.

8 MS. NUMMY: All right. Keep your
9 hands up for just a moment,
10 please.

11 FOR: George Harbin, Louis Coles,
12 Johnny Johnson, James Porter,
13 Bill Hatley, Ross Self,
14 Barnett Lawley, Gaines Smith,
15 Marvin Willis, Wayne May.

16 AGAINST: None.

17 CHAIRMAN MOULTRIE: Unanimous.

18 Okay. The motion is, (as
19 read): I move that the
20 Conservation Advisory Board
21 affirm -- let me start that
22 back over again.

23 This is Dr. May's

1 motion. Dr. May's written
2 statement, (as read): I move
3 that the Conservation
4 Advisory Board affirm the
5 vote of the Board on turkey
6 decoys taken at the May 2004
7 meeting as accepted by the
8 Commissioner and that the
9 Board recommend and approve
10 the adoption by the
11 Conservation Department of
12 the proposed rules 2004-WFF-
13 10 and 2004-WFF-12, which are
14 in accordance with the motion
15 I made on turkey decoys at
16 the -- "I" as in Dr. May --
17 made on turkey decoys at the
18 May 2004 Advisory Board
19 meeting. These rules would
20 allow the use of stationary
21 silent turkey decoys for
22 hunting turkey during the
23 spring turkey season.

1 All those in favor?

2 MS. NUMMY: Keep your hands up,
3 please. That's Mr. Harbin,
4 Mr. Coles, Mr. Johnson, Bill
5 Hatley, Dr. Gaines Smith,
6 Marvin Willis, Dr. May.

7 FOR: George Harbin, Louis Coles,
8 Johnny Johnson, Bill Hatley,
9 Gaines Smith, Marvin Willis,
10 Wayne May.

11 CHAIRMAN MOULTRIE: Seven for.

12 All against?

13 MS. NUMMY: That would be James
14 Porter, Ross Self.

15 AGAINST: James Porter, Ross
16 Self.

17 CHAIRMAN MOULTRIE: Two against.

18 Motion carries.

19 Since there's no further
20 business, this meeting stands
21 adjourned.

22 (The Advisory Board meeting was adjourned at
23 approximately 1:46 p.m.)

* * * * *

REPORTER'S CERTIFICATE

* * * * *

STATE OF ALABAMA

COUNTY OF ELMORE

I do hereby certify that on
Wednesday, July 28th, 2004, that the above
and foregoing transcript of proceedings in
the matter aforementioned was taken down by
me in machine shorthand and reduced to
writing under my personal supervision, and
that the foregoing represents a true and
correct transcript of the proceedings given
by said parties.

I further certify that I am neither
of kin nor of counsel to the parties to said
action, nor in any manner interested in the
results thereof.

This 3rd day of August, 2004.

SHEREE W. CATER
Commissioner for the
State of Alabama at Large

My Commission Expires: 5/13/07